

HOUSE _____ AMENDMENT NO. _____

Offered By

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill Nos. 930 & 947, Section 301.130, Page 15, Line 107 by inserting after all of said Line the following:

"301.161. 1. The provisions of sections 301.161 to 301.164 shall be known as the
"Missouri Universal Red Light Enforcement Act" (MURLE). No motor vehicle registration fees
shall be charged under sections 301.161 to 301.164. For the purposes of sections 301.161 to
301.164, the following terms mean:

(1) "Agency", any county, city, town, village, municipality, state agency, or other political
subdivision of this state that is authorized to issue a notice of violation for a violation of a state or
local traffic law or regulation;

(2) "Automated photo red light enforcement system" or "system", a device owned by an
agency consisting of a camera or cameras and vehicle sensor or sensors, installed to work in
conjunction with a traffic control signal;

(3) "Owner", the owner of a motor vehicle as shown on the motor vehicle registration
records of the Missouri department of revenue or the analogous department or agency of another
state or country. The term "owner" includes:

(a) A lessee of a motor vehicle under a lease of six months or more; or

(b) The lessee of a motor vehicle rented or leased from a motor vehicle rental or leasing
company, but does not include the motor vehicle rental or leasing company itself.

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1 If there is more than one owner of the motor vehicle, the primary owner will be deemed the
2 owner. If no primary owner is named, the first-listed owner will be deemed the owner;

3 (4) "Recorded image", an image recorded by an automated photo red light enforcement
4 system that depicts the rear view of a motor vehicle and is automatically recorded by a
5 high-resolution camera as a digital image;

6 (5) "Steady red signal indication violation" or "violation", a violation of a steady red
7 signal indication under sections 304.271 and 304.281 or substantially similar agency ordinance or
8 traffic laws;

9 (6) "Traffic control signal", a traffic control device that displays alternating red, yellow,
10 and green lights intended to direct traffic as when to stop at or proceed through an intersection.

11 2. All automated photo red light enforcement systems shall be registered with the
12 Missouri department of transportation prior to installation. The department of transportation shall
13 collect a one-time registration fee of five hundred dollars per light and all registration fees
14 collected shall be deposited in the "Red Light Enforcement Fund" hereby established. The state
15 treasurer shall be custodian of the fund and shall approve disbursements from the fund in
16 accordance with sections 30.170 and 30.180, RSMo. Upon appropriation, money in the fund shall
17 be used to conduct audits to ensure agency compliance with the provisions of sections 304.271 to
18 304.281, including, but not limited to, ensuring that the agency is distributing the fines collected
19 as required under section 301.162. Notwithstanding the provisions of section 33.080, RSMo, to
20 the contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the
21 credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same
22 manner as other funds are invested. Any interest and moneys earned on such investments shall be
23 credited to the fund.

24 3. No agency shall use an automated photo red light enforcement system unless the
25 system is capable of producing at least two high-resolution color digital recorded images that
26 show:

27 (1) The traffic control signal while it is emitting a steady red signal;

28 (2) The offending vehicle; and

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1 (3) The rear license plate of the offending vehicle. One of the images must be of
2 sufficient resolution to show clearly, while the vehicle is in the intersection and while the traffic
3 signal is emitting a steady red signal, all three elements set forth in this subdivision and
4 subdivisions (1) and (2) of this subsection.

5 4. The automated photo red light enforcement system shall not capture images of the front
6 license plate of the motor vehicle.

7 5. The automated photo red light enforcement system shall utilize a video recording
8 component which shall record the local time at which the two violation images were captured, as
9 well as at least five seconds before and at least five seconds after the violation event.

10 6. No system may photograph or otherwise capture an image of the driver's face.

11 7. Agencies that utilize automated photo red light enforcement systems to detect and
12 enforce steady red signal indication violations are subject to the conditions and limitations
13 specified in sections 301.161 to 301.164.

14 8. Prior to activation of the system at an intersection:

15 (1) If not already present, the roadway first must be clearly marked with a white stripe
16 indicating the stop line and the perimeter of the intersection;

17 (2) Warning signs shall be installed within five hundred feet of the white stripe indicating
18 the stop line;

19 (3) Signal phase timings at intersections equipped with a system shall be certified by the
20 Missouri department of transportation before the automated photo red light enforcement systems
21 may be activated for enforcement purposes and any adjustment to such timing shall be made only
22 by a department of transportation traffic engineer. The department of transportation shall also
23 certify that the green light is not arbitrarily short. If an agency alters the signal phase timing at an
24 intersection without prior written approval from the Missouri department of transportation and
25 without certification by the department of transportation traffic engineer, the agency shall be
26 assessed a municipal fine of fifty thousand dollars for a first offense and the red light device shall
27 be removed upon a subsequent violation. In no case shall a private vendor have the ability to
28 control the signal phase timing connected with a system.

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1 9. Prior to installing the automated photo red light enforcement system, the agency shall
2 give notice of the intersection where the system will be located and of the date on which the
3 system will begin to monitor the intersection. The agency shall give reasonable notice at least
4 fourteen days prior to the installation of the system in a newspaper of general circulation
5 throughout the political subdivision served by the agency.

6 10. Any agency that implements a system shall submit an annual report to the Missouri
7 department of transportation. The report shall include, at a minimum:

8 (1) The number of intersections enforced by active systems;

9 (2) The number of notices of violation mailed;

10 (3) The number of notices of violation paid;

11 (4) The number of hearings; and

12 (5) The total revenue collected as a result of the program.

13
14 Any agency failing to complete the annual report required under this subsection within forty-five
15 days of the time such report is due shall be assessed a fine of fifty thousand dollars and all
16 automated photo red light enforcement systems shall be removed from the agency's jurisdiction.

17 11. Within three years of the establishment of an automated photo traffic law enforcement
18 program, the implementing jurisdiction shall initiate a formal evaluation of the program to
19 determine the program's impact on traffic safety. That evaluation shall be completed within one
20 year.

21 12. An agency that establishes an automated photo red light enforcement system shall
22 enter into an agreement or agreements for the purpose of compensating a private vendor to
23 perform operational and administrative tasks associated with the use of such system. The notice
24 of violation issued under section 301.162, however, shall not be issued by a private vendor. Any
25 compensation paid to a private vendor shall not be based upon the number of violations mailed,
26 the number of citations issued, or the number of violations paid. The compensation paid to a
27 private vendor shall be based upon the value of the equipment and the services provided or

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1 rendered in support of the system.

2 301.162. 1. Before a notice may be issued, all violation images produced by a system
3 shall be reviewed and approved by a law or code enforcement officer employed by the agency in
4 which the alleged violation occurred. Such review and acceptance shall be based on a full review
5 of the images that clearly demonstrate a violation.

6 2. Based on inspection of recorded images produced by a system, a notice of violation or
7 copy of such notice alleging that the violation occurred and signed manually or digitally by a duly
8 authorized agent of the agency shall be evidence of the facts contained therein and shall be
9 admissible in any proceeding alleging a violation under sections 301.161 to 301.164.

10 3. An agency shall mail or cause to be mailed a notice of violation by certified mail to the
11 owner of the motor vehicle, which notice shall include, in addition to the requirements of supreme
12 court rule no. 37:

13 (1) The name and address of the owner of the vehicle;

14 (2) The registration number of the motor vehicle involved in the violation;

15 (3) A copy of the two recorded images and a zoomed and cropped image of the vehicle
16 license plate which was extracted from one of the two images;

17 (4) Information advising the registered owner of how he or she can review the video,
18 photographic, and recorded images that captured the alleged violation. The agency may provide
19 access to the video and other recorded images through the Internet. If access to the video and
20 other recorded images is provided through the Internet, the agency shall ensure that such video
21 and recorded images are accessible only to the registered owner through a password-protected
22 system;

23 (5) A manually or digitally signed statement by a law or code enforcement officer
24 employed by the agency that, based on inspection of the two recorded images and video sequence,
25 the motor vehicle was operated in violation of a traffic control device or prevailing traffic laws or
26 statutes;

27 (6) Information advising the registered owner of the manner, time, and place in which

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1 liability as alleged in the notice of violation may be contested, and warning that failure to pay the
2 civil penalty or to contest liability within fourteen days from the mailing of notice is an admission
3 of liability; and

4 (7) Information advising the registered owner that he or she may file an affidavit under
5 subsection 8 of this section stating that he or she was not the operator of the vehicle at the time of
6 the violation.

7 4. A notice of violation issued under this section shall be mailed no later than three
8 business days after the violation was recorded by the automated photo red light enforcement
9 system. The issuance of a notice of violation under this section shall be made by the agency, and
10 shall not be subcontracted to a third party.

11 5. The civil penalties and court costs imposed for a violation detected and enforced
12 pursuant to a system shall not exceed an amount that would have been imposed if the violation
13 had been detected by a law enforcement officer present when the violation occurred. In no event
14 shall the combined fine and court costs exceed one hundred dollars. Any revenue generated from
15 finances collected under this section shall be distributed as follows:

16 (1) One-third to the agency;

17 (2) One-third to the private vendor performing the operational and administrative tasks
18 associated with the use of an automated photo red light enforcement system; and

19 (3) One-third to the local school district where the infraction occurred.

20
21 Revenue distributed to schools shall not be distributed through the school funding mechanisms of
22 section 163.031, RSMo. The chief elected official of any agency failing to distribute the funds as
23 directed under this subsection shall be subject to criminal liability.

24 6. Notwithstanding any provision of law to the contrary, including but not limited to,
25 sections 304.271, 304.281, 304.361, and 304.570, any person who commits a steady red light
26 violation that is detected and enforced through an automated photo red light enforcement system
27 is guilty of an infraction. A penalty imposed by an agency for a violation detected pursuant to a

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1 system shall not be deemed a moving violation and shall not be made part of the operating record
2 of the person upon whom such liability is imposed, nor shall such imposition of a penalty be
3 subject to merit rating for insurance purposes and no surcharge points shall be imposed in the
4 provision of motor vehicle insurance coverage. In no case shall points be assessed against any
5 person under section 302.302, RSMo, for a violation detected by an automated photo red light
6 enforcement system.

7 7. Payment of the established fine and any applicable civil penalties shall operate as a
8 final disposition of the case. Payment of the fine and any penalties, whether before or after
9 hearing, by one motor vehicle owner shall be satisfaction of the fine as to all other motor vehicle
10 owners of the same motor vehicle for the same violation.

11 8. In the prosecution of a steady red signal indication violation under sections 304.286 to
12 304.289, the agency shall have the burden of proving that the vehicle described in the notice of
13 violation issued under this section was operated in violation of sections 301.161 to 301.164 and
14 that the defendant was at the time of such violation the owner and the driver of such vehicle. The
15 agency shall not enter into any plea-bargaining agreements in relation to any violation occurring
16 under sections 301.161 to 301.164.

17 301.163. 1. For each automated photo red light enforcement system that is installed at an
18 intersection by an agency, during the first thirty days the system is monitoring an intersection, the
19 agency shall issue only warning notices and shall not issue any ticket or citation for any violation
20 detected by the system.

21 2. No agency shall employ the use of a photo radar system to enforce speeding violations.
22 As used in this subsection, the term "photo radar system" shall mean a device used primarily for
23 highway speed limit enforcement substantially consisting of a radar unit linked to a camera, which
24 automatically produces a photograph of a motor vehicle traveling in excess of the legal speed
25 limit.

26 301.164. Photographic and other recorded evidence obtained through the use of
27 automated photo red light enforcement devices shall be maintained according to law and shall be

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1 maintained by the appropriate agency for a period of at least three years. Such photographic and
2 other recorded evidence obtained through the use of an automated photo red light enforcement
3 system shall be confidential and shall not be deemed a "public record" under section 610.010,
4 RSMo, and shall not be subject to the provisions of section 109.180, RSMo, or chapter 610,
5 RSMo."; and

6
7 Further amend said bill by amending the title, enacting clause, and intersectional references
8 accordingly.

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